IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.628 OF 1986

Parshuram Shankar Limaye
(since deceased through legal heirs)
1. Smt.Sumatibai Parshuram Limaye
2. Shri Madhav parshuram Limaye
3. Shri Madhusudan Parshuram Limaye
4. Shri Dattatraya Parshuram Limaye
5. Shri Madan Parshuram Limaye
6. Mrs.Sheela Padmakar Patwardhan ...Petitioners

Versus

(1) Shri Vishwas Yeshwant Godbole
(2) Smt.Seema Vasant Godbole
(3) Smt.Sushma Gopal Karmarkar ...Respondents

Shri M.S.Karnik h/f S.B.Deshmukh for the Petitioners
Shri V.Y.Godbole the Respondent No.1-in-person.

CORAM: A.S.OKA, J.

DATED: AUGUST 24,2004.

ORAL JUDGMENT :

1. This Civil Revision Application is filed by the original Defendants in Regular Civil Suit No.813 of 1974 filed by the Respondents. The said suit was decreed ex-parte in favour of the Respondents. The order impugned in the Civil Revision Application is the order by which the application for condonation of delay made by the Petitioners in the Appeal preferred by the Petitioners against the said Decree was rejected. The said Application for condonation of delay was

opposed by the Respondents in Civil Revision Application and by Judgment and Order dated 7th March 1986 application for condonation of delay has been rejected.

2. In this connection it will be necessary to refer to the averments made in the application for condonation of delay and Affidavit in support of the Petitioner. The case of the Petitioners in the Civil Revision is that he came to know about exparte decree on 29th April 1983 and immediately thereafter he applied for certified copy of the Judgment and Decree.

3. At this stage Shri Karnik learned Advocate appearing for the Petitioner in Civil Revision Application prays that in view of the Judgment delivered in Second Appeal No.259 of 1984, he may be allowed to withdraw the Civil Revision Application.

4. The Respondent No.1 appearing-in-person states that as the prayer is for unconditional withdrawal, he has no objection for grant of the said prayer. Accordingly, Civil Revision Application is allowed to be withdrawn. Civil Revision Application is dismissed as withdrawn with no order as to costs.

JUDGE